

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DAVID BAILEY, MARVIN RAY	§	
YATES, KEITH COLE, and	§	
NICHOLAS DIAZ	§	
individually and on behalf of those	§	
similarly situated,	§	
Plaintiffs,	§	
V.	§	CIVIL ACTION NO. 4:14-cv-01698
BRAD LIVINGSTON, in his official	§	
capacity, ROBERTO HERRERA, in	§	
his official capacity, and TEXAS	§	
DEPARTMENT OF CRIMINAL	§	
JUSTICE,	§	
Defendants.	§	

**ORDER**

Plaintiffs have filed an Emergency Motion for Order Directing Defendants to Disclose Location of Temperature Devices. (Doc. No. 70.) The Motion requests, as alternative relief, that the Court order *in camera* review of the locations of the temperature and humidity data monitoring devices (“monitors”) installed in the Wallace Pack Unit by Defendants on August 27, 2014, as described in Defendants’ Response. (Doc. No. 53.) In response to Plaintiffs’ Motion, Defendants have stated that they do not object to the proposed alternative relief. (Doc. No. 75.)

Defendants are hereby **ORDERED** to submit the following information for *in camera* review by the Court by no later than Tuesday, September 23, 2014:

- Descriptions of the locations of each of the monitors installed in the Wallace Pack Unit;

- For each monitor, a list of all those who have had access to the monitor during the 30 days it is recording data;
- Copies of any photographs of the monitors taken at their installation or thereafter; and
- A list of all those who know the locations of the monitors.

For information regarding persons having access to or knowledge of the locations of the monitors, it is sufficient to provide the Court with either a list of persons by name, or by description of their respective professional relationships to the prison or to the instant litigation.

**IT IS SO ORDERED.**

**SIGNED** at Houston, Texas, on this the 19<sup>th</sup> day of September, 2014.



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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE